

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
NOVEMBER 4, 2104**

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
8:00pm

Conservation Members in Attendance:

Chairman Don Cooper, Vice Chairman Kevin Porter, Commissioner Alix Driscoll, Commissioner Ellen Townson, Commissioner Jon Honea, Commissioner Floyd Greenwood and Commissioner Philip Sutherland. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

89 Main Street

Staff Recommendation: Approve

Present in Interest: Chris Huntress

Public Hearing on a Request for Determination of Applicability filed by Lincoln Essex OAV, LLC under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed repaving of the existing parking lot, add a curb along the west side of the lot to direct stormwater to a new catch basin with a gas trap and sump, planting of a row of Maiden Grass and removal of trash and debris at **89 Main Street**.

Mr. Douglas presented this to the Commission. This is an existing parking lot which drains into a jurisdictional area to the rear. The lot will not change with the improvements, there will be a small increase in area due to the repaving of an area that was previously paved, but had disintegrated.

Chris Huntress presented the project on behalf of the Applicant. The repaving will be in the rear of the building. The water sheet flows across the back of the parking lot to the wetland behind it. The existing pavement will be pulverized and repaved and repitched so the runoff will flow to the new catch basin. There will be a small extension of asphalt to recapture the disintegrated paved portion.

Commissioner Driscoll asked if the Japanese knotweed would be treated.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve; it was seconded by Commissioner Driscoll and unanimously approved.

139-143 Elm Street and 26 Pine Street

Staff Recommendation: Close Public Hearing and Issue Order of Resource Area Delineation.

Present in Interest: Sean Hale

Continued Public Hearing on an Abbreviated Notice of Resource Area Delineation filed by CSH Andover, LLC, under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 to confirm the boundary of bordering vegetated wetland area at **139-143 Elm Street and 26 Pine Street**.

Mr. Douglas presented this to the Commission. This was continued for a site visit and reflagging of the site due to the removal of 2/3 of the wetland flagging. Very few flags were moved during the site visit. There is a potential for 3 vernal pools on the property, which will be ruled upon due to the time of year. The Applicant agreed that if any vernal pools are evident in the Spring, they will come back with a revised plan.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to close the public hearing; it was seconded by Commissioner Driscoll and unanimously approved.

Vice Chairman Porter made a Motion to issue the Order of Resource Area Delineation with the vernal pool language added; it was seconded by Commissioner Greenwood and unanimously approved.

11R Lowell Junction Road

Staff Recommendation: Close the Public Hearing and Issue the Order of Conditions

Present in Interest: Bill MacLeod

Continued Public Hearing on a Notice of Intent filed by Jeffco, Inc. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed addition, demolition of existing garage, construction of paved driveway, lot grading and sewer connection at **11R Lowell Junction Road**.

Mr. Douglas presented these to the Commission. This was continued for a site visit and consult with DEP regarding the Riverfront. The site walk was completed. Named rivers are considered Riverfront according to DEP. The Applicant is offering significant mitigation, revegetation and all the setback requirements are met.

Mr. MacLeod presented the project on behalf of the Applicant. Along with the mitigation, etc., there will an infiltration trench along the driveway and rooftop infiltration for the new addition. Non-disturb markers will be installed.

Vice Chairman Porter asked staff to include language specifically stating what qualifies as an existing structure being grandfathered as opposed to a new structure.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to close the Public Hearing; it was seconded by Vice Chairman Porter and unanimously approved.

Commissioner Honea made a Motion to issue the Order of Conditions with the language discussed; it was seconded by Vice Chairman Porter and unanimously approved.

344 River Road

Staff Recommendation: Close Public Hearing and Issue Amended Order of Conditions.

Public Hearing on a Request for an Amended Order of Conditions filed by Patch Development, LLC under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV at **344 River Road**. The proposed changes include the revised dwelling footprint, septic system and lot grading.

Agent Cleary presented this to the Commission. The new plan is more detailed and specific as to the dwelling footprint, driveway, grading, deck and minor adjustments to the septic system location. Flagging should be reestablished prior to commencement of work.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to close the Public Hearing; it was seconded by Commissioner Driscoll.

Commissioner Honea made a Motion to issue the Amended Order of Conditions; it was seconded by Commissioner Greenwood and unanimously approved.

Marland Place Dam Removal/Balmoral Dam Removal

Staff Recommendation: Close Public Hearing and Issue Order of Conditions

Present in Interest: Thomas Ardito and Nick Wilde

Continued Public Hearing on a Request for an Order of Conditions filed by Thomas Ardito under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed removal of the Marland Place Dam at **15 Stevens Street**.

Continued Public Hearing on a Request for an Order of Conditions filed by the Town of Andover under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed removal of the Marland Place Dam at **11 Haverhill Street**.

Mr. Douglas presented this to the Commission. Invasive vegetation control was discussed with Suzanne Robert. Nick Wilde informed the Commission that there are high amounts of invasives, especially Japanese Knotweed, in the river corridor. The areas within the limit of work will be maintained/monitored for 3 years. Tom Ardito stated that the point person for this contract has not been determined at this time. However, the invasives within the limit of work will be

managed as this is a public benefit project and done for public safety purposes. Controlling invasives beyond the limit of work is not part of this project.

Commissioner Driscoll asked for 5 years of monitoring. The amount of money required for monitoring for 5 years is beyond the contract and too expensive. Given the conditions of the slope, invasives will be removed manually and native plantings will be planted. Tom Ardito added that unless invasives are addressed on a much larger scale within the river corridor, as soon as monitoring stops, it will become overgrown with invasives again.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to close the Public Hearings; it was seconded by Commissioner Driscoll and unanimously approved. Commissioner Driscoll made a Motion to issue the Orders of Conditions; it was seconded by Commissioner Honea and unanimously approved.

ACTION ITEMS:

6 Newport Circle

Staff Recommendation: Approve as Insignificant Change.

Request for Finding of Significance for the installation of a boulder barrier to protect the existing wooded vegetation from further encroachment at **6 Newport Circle**.

Applicant is requesting to leave the thick existing canopy, shrub and ground cover layer that has been created naturally rather than create more disturbance by removing it. Huge boulders have been placed in front of the area to prevent further encroachment. The current owner and owners in succession shall have the right to remove invasive species under the direction of the Commission or its Agent in the area of reforestation. No further extension of lawn into the area of reforestation as noted on the As-Built Plan.

Vice Chairman Porter made a Motion to find the changes Insignificant; it was seconded by Commissioner Driscoll and unanimously approved.

41 Porter Road

Staff Recommendation: Approve as Insignificant Change.

Request for Finding of Significance for the relocation of the forced sewer line at **41 Porter Road**.

Vice Chairman Porter made a Motion to find the change Insignificant to the Act; it was seconded by Commissioner Honea and unanimously approved.

25 N.E. Business Center Drive

Staff Recommendation: Approve as Insignificant Change.

Request for Finding of Significance for the proposed electrical conduit installation within the existing access drive pavement at **25 New England Business Center Drive**.

Commissioner Driscoll made a Motion to find the change Insignificant to the Act; it was seconded by Commissioner Sutherland and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of minutes from October 21, 2014.

4 Willoughby Lane

Issuance of a Certificate of Compliance. **Tabled.**

6 Newport Circle

Issuance of a Certificate of Compliance.

High Plain Road 239-256

Issuance of a Certificate of Compliance. **Tabled.**

Vice Chairman Porter made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Honea and unanimously approved.

LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

Eagle Scout Project

Present in Interest: Taha Vasowalla

Taha presented his Eagle Scout project which consists of fencing off the Boloian Reservation parking area on Chandler Road. The will also be constructing a bench near the trail and repainting of parking lines. The posts will be 2 feet down into the ground and 4 feet high with 1 cable running between the posts. Commissioner Driscoll suggested running 2 cables running between the posts.

Commissioner Driscoll made a Motion to Approve the project; it was seconded by Vice Chairman Porter and unanimously approved.

Stouffer Circle

Present in Interest: Shehla Syed and Edward Cruz

Discussion regarding moratorium on trail work/planning. A moratorium was put in place at the residents request to monitor parking and accessing the baseball field on Blanchard Street through the conservation land off of Stouffer Circle. The moratorium expires November 15, 2014, no

action has taken place in terms of planning or trail work. Officer Edgerly from the Andover Police Department has not received any complaints.

Edward Cruz, an abutter, was advised when he purchased the property at 9 Stouffer Circle, that this was a Town Easement. He also questioned without signage how residents would know a trail existed and monitor the parking.

Sheyla Syed asked who would make the proposal for any trail work. She also questioned if the same trail work will be done on Granli Drive.

Abutters will be notified of any upcoming Conservation hearings regarding this matter.

26 Orchard Street/8 Moreland Avenue

Present in Interest: Rick Downey

Lift Enforcement Order.

Vice Chairman Porter saw new rocks supporting the dam that were not there on the site visit.

The water level is lower. Will observe the dam and water level.

Vice Chairman Porter made a Motion to Lift the Enforcement Order; it was seconded by Commissioner Townson and approved. Commissioner Driscoll was opposed.

Rick Downey, an abutter, informed the Commission that the water flows downstream to his property. He would like the water level to be reduced, however is concerned that debris will clog the pipe running under his property causing flooding.

Overseers

Vice Chairman Porter presented reappointments and 1 nomination for Overseers.

Commissioner Greenwood made a Motion to Approve the reappointments and nomination; it was seconded by Commissioner Driscoll and unanimously approved.

The Commission entered into Executive Session to discuss land acquisition and will not return to open session

The next meeting will be held November 18, 2014 at 7:45pm.

The meeting was adjourned at 10:15 pm by Motion of Vice Chairman Porter and seconded by Commissioner Honea and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**